

REMARKS

Claim Rejections

The Examiner has rejected claims 1, 5, 7, 9-11 and 14-16 under 35 U.S.C. § 102(e) as being anticipated by Ritchart et al. (U.S. Patent No. 4,994,069). The Examiner has also rejected claims 1-4 and 19 under 35 U.S.C. § 103(a) as being unpatentable over McGurk et. al. (U.S. Patent No. 5,690,671). The Examiner has also rejected claims 6, 12-13 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Ritchart et al. The Examiner has allowed claim 20.

Applicants have carefully considered the Examiner's comments. In order to expedite prosecution of Applicants' claims, claims 1 and 19 have been amended to more clearly distinguish the prior art. It is respectfully submitted that neither Ritchart nor McGurk disclose all of the limitations of Applicants' claims as now presented.

With respect to Ritchart et al., the Examiner has argued that Ritchart et al. discloses a wire body that is "substantially straight in an unloaded condition" in Figures 2A and 3A and col. 3, line 63 to col. 4, line 5 and col. 8, lines 39-51. However, it is respectfully submitted that none of these embodiments disclose Applicants' claimed invention. In Figures 2A and 3A, the wire body of Ritchart et al. is shown in a "stretched condition." (Col. 3, line 63 to col. 4, line 5). In fact, the relaxed condition of these wire bodies is shown in Figures 2C and 3B. As clearly shown in Figures 2C and 3B, the relaxed condition of the wire bodies has an irregular, random shape, not a substantially straight shape. Therefore, neither of these embodiments satisfy Applicants' claim limitations that the wire body has a section that is "substantially straight in an unloaded condition" and a length of the section is "larger than a diameter" of either a blood vessel area or an aneurysm. Furthermore, the claims require that the wire body be "substantially in said unloaded condition within said catheter." In contrast to Applicants' claims, the embodiments of Figures 2A and 3A of Ritchart et al. are stretched in a loaded condition inside of the catheter to prevent the wires from returning to their relaxed helical shape until after the wires are released from the catheter. (Col. 8, lines 39-46).

The Examiner has also quoted from a passage of Ritchart et al. which states that “[a]lternatively, the wire may be supplied in a straight rigidified form, such as described for wire 34 above.” (Col. 8, lines 46-48). This embodiment refers to the wire shown in Figures 4A-4B. (Col. 5, line 62 to col. 6, line 5). However, this embodiment does not disclose Applicants’ claim limitations either. In the embodiment of Figures 4A-4B, a water-soluble material 36 coats the inner wall region of the wire. (Col. 5, lines 63-66). The water-soluble material is rigid and forces the naturally helical wire into a straight configuration so that it can be inserted into the catheter. (Col. 5, lines 63-66; col. 6, lines 2-5; col. 8, lines 46-51). Thus, like the embodiments of Figures 2A and 3A, the embodiment of Figures 4A-4B is in a loaded condition inside of the catheter. The only difference between the embodiments of Figures 2A and 3A and Figures 4A-4B is that a catheter restrains the wire in Figures 2A and 3A, and the rigid material 36 restrains the wire in Figures 4A-4B. Unlike the claimed invention which requires the wire body section to be “substantially straight in an unloaded condition,” all of the embodiments in Ritchart et al. have a helically-shaped unloaded condition.

With respect to McGurk et al., the Examiner has argued that McGurk et al. discloses a wire body in Figure 1 that is “substantially straight in an unloaded condition (at room temperature).” However, McGurk et al. is unrelated to Applicants’ invention. McGurk et al. relates to an embolic element that is made from a shape memory material, such as nitinol. (Col. 3, line 49 to col. 4, line 11). The embolic element has an unexpanded configuration below a transition temperature, and an expanded configuration above the transition temperature. (Col. 3, line 49 to col. 4, line 11). The embolic element is transformed from the unexpanded configuration to the expanded configuration by heating the shape memory alloy above the transition temperature. (Col. 3, line 66 to col. 4, line 11; col. 4, lines 44-50; col. 6, lines 54-58). By contrast, Applicants’ claimed wire body does not change shape due to a change in temperature of the device. In Applicants’ claimed invention, the wire body is pushed against a wall of the vessel or aneurysm. After the wire body abuts the first wall, the physician continues to push the wire body, thereby forcing it to curve toward a second wall. Therefore, in the claimed invention, the wire body changes shape by applying a load to the wire body


"without a change in temperature of said wire body." Accordingly, McGurk et al. does not disclose the limitations of Applicants' claims as now presented.

The remaining claims depend from claim 1. Because claim 1 is allowable, claims 2-18 are also allowable since these claims incorporate all of the limitations of claim 1. Any further arguments that could be made at this time in support of Applicants' dependent claims would be superfluous and are unnecessary. Accordingly, dependent claims 2-18 should also be allowed. *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1555 (Fed. Cir. 1983).

Conclusion

Applicants have amended claims 1 and 19 to clarify the scope of the claims and put the application in condition for allowance. None of the prior art of record discloses the limitations of Applicants' claims as now presented. Thus, Applicants' claims are allowable. If the Examiner has any questions, the Examiner may call Applicants' attorney, Richard E. Stanley, Jr., at 312-321-4279. Accordingly, Applicants request reconsideration and allowance of the application.

Respectfully submitted,



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